



CITY OF LONG BEACH EMPLOYEE POLICY MANUAL

Adopted By Long Beach City Council Resolution On
February 7, 2012



THE CITY OF LONG BEACH EQUAL EMPLOYMENT OPPORTUNITY POLICY

Effective Date: February 7, 2012

A. INTRODUCTION

The City of Long Beach respects the dignity and professionalism of each of its employees. Therefore, it is the goal of the City to promote a workplace that is free from discrimination and harassment.

Discrimination and harassment will not be tolerated by the City. To this end, all allegations of discrimination or harassment will be taken seriously and investigated.

The City of Long Beach is committed to a policy of equal opportunity and non-discrimination against any employee on the basis of:

- Race;
- Creed;
- Color;
- National origin;
- Religion;
- Sex;
- Marital status;
- Sexual orientation;
- Age;
- Military status;
- Disability;
- Genetic predisposition and carrier status; or
- Any other bases protected by state, federal, or local law.

In addition, it is unlawful to retaliate against an employee for filing a complaint under this policy or participating in the investigation of a complaint. Acts of retaliation taken against an employee will not be tolerated, and allegations of retaliation will be investigated.

B. PURPOSE

To inform all employees of the City of the conduct proscribed under its EEO Policy and the consequences for violating this policy; to provide all employees with a means to have their complaints addressed should they feel that they have been a victim of discrimination or harassment; to establish policy concerning investigation of complaints and corrective action; and

to inform employees of their responsibility should they witness acts of discrimination or harassment.

C. EMPLOYEE RESPONSIBILITIES

It is the responsibility of every employee of the City of Long Beach to take appropriate measures to ensure that discrimination, harassment, harassment based on membership in other protected classes (including those identified in Section A of this policy), and retaliation do not occur in the workplace. The City will take disciplinary action, up to and including discharge, against any employee who is found to be in violation of this policy or applicable federal or state anti-discrimination and anti-retaliation laws.

Any employee who witnesses another being subject to discrimination or harassment is strongly encouraged to report the alleged acts in accordance with this policy as soon as possible.

It is incumbent upon all supervisors to ensure through example and leadership that the workplace is free from discrimination and harassment. To that end, any supervisor who witnesses or otherwise becomes aware of an employee being subjected to sexual harassment, harassment based membership in other protected classes (including the groups listed in Section A of this policy), or discrimination must report the acts or allegations to the City of Long Beach Equal Employment Opportunity Officer as soon as possible.

D. PROHIBITED CONDUCT

Discrimination

It is a violation of this policy to discriminate against any employee of the City of Long Beach on the basis of race, creed, color, national origin, religion, sex, marital status, sexual orientation, age, military status, disability, genetic predisposition and carrier status, or any other basis protected by state, federal, or local law.

Discrimination against an individual can occur in settings and situations including but not limited to: recruiting, hiring and promotion, transfer, work assignments, performance measurements, the work environment, job training, discipline and discharge, wages and benefits, or any other term, condition, or privilege of employment.

Discrimination or harassment can also be through offensive conduct, such as racial, ethnic, or religion based slurs, jokes, or derogatory comments; or other verbal or physical conduct based on an individual's race/color, creed, national origin religion, sex, or sexual orientation. While it is difficult to provide a precise definition of harassment, examples include verbal (including improper joking or teasing) harassment, or physical conduct that denigrates or shows an aversion to an individual because of their protected characteristic(s).

Sexual Harassment

Sexual harassment in the workplace is a form of employment discrimination prohibited by law, and it will not be tolerated. All employees of the City of Long Beach should familiarize themselves with this policy so that they will understand what type of conduct is prohibited, and know the remedies available to anyone who has experienced sexual harassment.

Sexual Harassment, though difficult to define, is generally described by federal and state anti-discrimination laws as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of locations, including but not limited to the following:

- At the workplace;
- Off premises at City sponsored and other social events;
- Off premises, at meetings with vendors and clients.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser can be a man or a woman;
- The harasser can be the victim's supervisor, an agent of the City, a supervisor in another area, a co-worker, or a non-employee;
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct;
- Unlawful sexual harassment may occur without economic injury to the victim or discharge from employment.

There is a broad range of conduct by supervisors and co-workers which may, in certain circumstances, be considered sexual harassment. This includes, but is not limited to:

- Making sexually suggestive remarks;
- Displaying sexually suggestive pictures and/or audio-visual materials;
- Sexually suggestive or obscene gesturing;
- Threatening or taking adverse employment actions if sexual favors are not granted;
- Demands for sexual favors in exchange for favorable or preferential treatment;
- Unwelcome sexual advances, whether or not there is physical touching;

- Verbal harassment or abuse of a sexual nature;
- Harassment or abuse of a sexual nature using electronic means, including emails, phone messages, use of internet, or logging onto pornographic websites;
- Subtle or direct propositions for sexual favors;
- Unnecessary touching;
- Unwelcome patting or pinching;
- Vulgar or offensive conversations or jokes;
- Commenting about employees' physical appearance;
- Conversation about your own or someone else's sex life.

Other Forms of Harassment

Harassment need not be "sexual" in order to be unlawful. Other forms of harassment, such as harassment based on race, ethnicity, national origin, religion, or any other protected characteristic listed in Section A of this policy, is prohibited.

Retaliation

It is a violation of this policy to retaliate against any person for filing a charge of discrimination, participating in the complaint or investigation process of a discrimination or sexual harassment proceeding, or opposing discrimination in the workplace.

Retaliation is any employment action taken that could dissuade a reasonable worker from making or supporting a charge of discrimination. Wages, work hours, or assignment do not have to be affected in order for there to be retaliation. Retaliation is prohibited even if the underlying allegations of discrimination or sexual harassment are without merit.

E. REPORTING DISCRIMINATION OR SEXUAL HARASSMENT

Any employee of the City of Long Beach or applicant for employment with the City of Long Beach who believes he or she has been subjected to unlawful discrimination or harassment in violation of this policy or who witnesses another being subjected to improper conduct in violation of this policy is urged to report the alleged acts as soon as possible. (As noted above - supervisors must report). The City of Long Beach will promptly and thoroughly investigate the facts surrounding any allegation of discrimination or harassment. ***Anyone, regardless of position or title, that the City of Long Beach determines has engaged in unlawful discrimination or harassment of any kind will be subject to discipline up to and including discharge.***

Employees can report allegations of discrimination or harassment to:

- **The City's Equal Employment Opportunity (EEO) Officer**, to be designated by the City Manager (currently the Deputy Commissioner of Public Works, who can be reached at 516-431-1011; **or**
- **One of the City's Equal Employment Opportunity (EEO) Representatives.** These EEO Representatives shall include the following individuals, who can be reached at the following telephone numbers:
 - The Deputy Executive Officer, C.O.I.D, of the Police Department (516-431-1800)
 - The Executive Officer of the Fire Department (516-431-2434)
 - The Deputy Director of Youth and Family Services (516-431-1035)
 - The Commissioner of Recreation (516-431-3890)
 - The Chief of Lifeguards (516-431-1810)
 - The Director of Transportation (516-431-4445)
 - Any other individual that the Long Beach City Manager so designates

Note: In situations where the allegations of discrimination or harassment are directed at or otherwise pertain to the City's designated EEO Officer AND a designated Equal Employment Opportunity Representative, you may report those allegations directly to the City Manager.

Complaints can be made verbally **or** by the use of the City of Long Beach Complaint Form. A copy of this form is attached to this policy. Copies are also available in Room 504 in City Hall.

The EEO Officer and the designated EEO Representatives are available to assist you in filing a complaint or preparing a Complaint Form. They are also available to answer your questions concerning the details of this policy.

Note: Efforts will be made to maintain the confidentiality of the information provided in connection with a complaint. However, investigatory steps or corrective action might require disclosure to certain individuals, including witnesses and the respondent (the person whom the allegations are made against).

Shortly after you file a complaint, you will be contacted and interviewed at a location that will protect your privacy. Your complaint will be investigated, and you will be notified when the investigation has concluded. To the extent permissible, practical and/or reasonable, you will be notified of the results of the investigation.

Note: Rest assured that the City of Long Beach will not retaliate against anyone who makes a complaint, participates in an investigation of a complaint, or opposes discrimination in the workplace. Retaliation is prohibited by the City. Anyone who retaliates in violation of this policy will be subject to discipline, up to and including discharge.

F. FURTHER INFORMATION

In addition to the above, a person who believes they have been subjected to discrimination, sexual harassment, or retaliation may file a complaint with the federal, state, or local administrative agencies. Utilizing the complaint process of the City of Long Beach does not prohibit you from filing a complaint with any of these agencies.

- United States Equal Employment Opportunity Commission
33 Whitehall Street
New York, NY 10004
(212) 336-3620
- New York State Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, New York 10458
(718) 741-8400
- Nassau County Commission on Human Rights
240 Old Country Road, Suite 606
Mineola, New York 11501
(516) 571-3662

G. DISTRIBUTION

1. The City shall ensure that a copy of this policy is distributed to every employee.
2. As new EEO Officers and new EEO Representatives are designated by the City Manager, employees shall be notified by memoranda.
3. All new employees shall be supplied with a copy of this policy.
4. Each employee receiving a copy of this policy will sign an acknowledgment of receipt, which shall be placed in the employees personnel file.



THE CITY OF LONG BEACH FAMILY & MEDICAL LEAVE ACT ("FMLA") POLICY

Effective Date: February 7, 2012

A. PURPOSE AND GOAL

In furtherance of its commitment to the welfare of its workforce, the City of Long Beach has established this policy to clearly delineate employee rights and responsibilities, and to otherwise comply with the Family and Medical Leave Act ("FMLA") of 1993.

B. FMLA ELIGIBILITY

Employees who have been employed for at least one (1) year and who have at least 1,250 working hours in the previous twelve (12) months are eligible for leave under the Family and Medical Leave Act (FMLA). This Act entitles eligible employees up to twelve (12) weeks of unpaid, job-protected leave in a 12-month period for one or more of the following qualifying events:

- Birth of and care for an employee's newborn child;
- Placement of and care for a child with the employee for adoption or foster care;
- Care for an employee's spouse, child or parent who has a serious health condition; or
- Employee's own serious health condition.

Military Family Leave - Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) weeks of leave to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a "covered service member" during a 12-month period. A "covered service member" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Employees must make a request for such leave, directly to the City Manager, prior to taking leave. This request must include the circumstances supporting the need for such military family leave. The City Manager will promptly notify the employee whether the request has been approved or declined.

C. RULES & PROCEDURES

The following rules and procedures apply to the City's FMLA policy:

1. The "12-month" period in which the twelve (12) weeks of leave entitlement occurs is a "rolling 12-month period" measured backward from the date an employee uses any FMLA leave. *For example, if an employee has taken eight (8) weeks of leave during the last twelve (12) months, an additional four (4) weeks of leave could be taken. If an employee used four (4) weeks beginning February 1, 2010, four (4) weeks beginning June 1, 2010, and four (4) weeks beginning December 1, 2010, the employee would not be entitled to any additional leave until February 1, 2011. However, beginning February 1, 2011, the employee would be entitled to an additional four (4) weeks, etc.*
2. FMLA leaves are not chargeable to the employee's attendance record and are **unpaid**, except those:
 - (a) for an employee's own serious health condition which run **concurrently** with any existing or future paid medical leave program(s) administered by the City or;
 - (b) where an employee uses vacation and/or sick days for salary continuation purposes, as described in section (C)(3) of this Policy. As described in section (C)(3) below, FMLA leave runs **concurrently** with an employee's use of sick or vacation days, so long as those sick or vacation days are used in connection with an FMLA-qualifying event.
3. Any time an FMLA leave is taken by an employee, the employee is permitted (upon timely request) to use his or her unused accrued vacation days for salary continuation purposes. In situations where the FMLA leave is necessitated by the employee's own serious medical condition, the employee may also use his or her unused accrued sick days for salary continuation purposes.¹ If the paid portion of the medical leave is less than the amount of FMLA time needed, the additional leave time necessary to attain a maximum of twelve (12) weeks will be unpaid. *For instance, if an employee goes on leave for an FMLA-qualifying event and elects to use two (2) weeks of sick or vacation days for salary continuation purposes, the remaining ten (10) weeks of that leave (if taken) will be unpaid, and the entire twelve (12) week leave will be counted as leave time taken under the FMLA.* Nothing in this section should be construed as limiting the City's right to classify any paid and/or unpaid portions of a leave as "FMLA leave," when such leave is taken for an FMLA-qualifying event.
4. Medical certification is mandatory. Medical certification is required to support a request for leave due to a serious health condition. This certification applies to an

¹ This correlates with the City's policy that sick days may be used only when the employee is, *him or herself*, ill. Sick days may not be used for any other purpose.

employee's own serious health condition or the serious health condition of a parent, spouse or child. A medical certification form must be submitted to the City's City Manager (located on the fifth floor of City Hall) **at such time FMLA leave is requested.** *The certification must specify the serious medical condition necessitating the leave, and the expected approximate duration of the serious medical condition.* The City may require a second opinion, at the City's expense. Failure to provide appropriate certification in a timely manner may result in denial of the leave.

5. Notice is required for all leaves. If a leave is foreseeable, twenty (20) days advance notice is required. If twenty (20) days notice is not possible, the employee should give as much notice as possible. Failure to properly notify the City may result in denial of the leave.
6. FMLA leave for the birth or placement (for adoption or foster care) of a child may only be taken within twelve (12) months of that birth or placement.
7. It is the employee's responsibility to notify the City when any time off from work is being requested under the FMLA and/or this Policy. Therefore, it is essential that an employee explain the reason for all illness-related absences. If a leave was taken for an FMLA reason but the City was not aware of the reason, and the employee desires that the leave be counted as FMLA, the employee must notify the City as soon as possible. In the absence of such timely notification, the employee may not retroactively assert FMLA protection for the absence.
8. Intermittent Leave. FMLA leave for a serious health condition – either a family member's or the employee's own condition – can be taken intermittently or on a reduced schedule if medically necessary. In such cases, the City may periodically ask for, and the employee will be required to provide, new and/or updated medical certification. Leaves for the birth, placement, or care of a newborn child cannot be taken intermittently. When leaves are taken intermittently, salary will be reduced based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced schedule FMLA leave, the City temporarily may transfer you to an available alternative position which better accommodates your recurring leave and which has equivalent pay and benefits.
9. Extensions of FMLA leaves will not be granted without new medical certification. Employees who take FMLA leave for their own or a family member's serious medical condition are responsible for providing new and updated medical certification whenever they wish to extend an FMLA leave. For example, if an employee takes a six (6) week FMLA leave for his or her serious medical condition and wishes to extend that leave for three (3) more weeks (before returning to work), new and updated medical certification must be provided in the manner described in section (C)(4) of this Policy. *Additionally, this new certification must indicate the status and continued presence of the serious medical condition that necessitated the*

original FMLA leave, or the onset of a new and/or different condition that warrants an extension of the FMLA leave.

10. If you take leave because of your own serious health condition, (except if you are taking intermittent leave), you are required to provide medical certification that you are fit to resume work with or without reasonable accommodation. Employees failing to provide this documentation will not be permitted to resume work until it is provided.
11. For the duration of the FMLA leave, the City will maintain the employee's health insurance coverage, to the extent that the employee is enrolled in the City's health insurance plan.
12. All family and medical leaves that fall within the requirements of the FMLA will run concurrently with the City's family and medical leave policies.



THE CITY OF LONG BEACH DRUG-FREE WORKPLACE POLICY

Effective Date: February 7, 2012

A. PURPOSE AND GOAL

The City of Long Beach is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol and drug abuse pose a significant threat to our goals. Moreover, we recognize that workplace violence, often the byproduct of drug and alcohol abuse, poses a serious threat to the welfare of our employees. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

- This policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale.
- The City of Long Beach encourages employees to voluntarily seek help with drug and alcohol problems.

B. COVERED WORKERS

Our policy includes, but is not limited to managers, supervisors, full-time employees, part-time and seasonal employees, off-site employees, volunteers, interns and applicants. Additionally, any individual who conducts business for the City, is applying for a position, or is conducting business on the City's property is covered by our drug-free workplace policy.

C. APPLICABILITY

Our drug-free workplace policy is intended to apply whenever anyone is working, representing, or conducting business for the City. Therefore, this policy applies during all working hours, whenever conducting business or representing the City, while on call, paid standby, while on organization property and at city-sponsored events.

D. PROHIBITED BEHAVIOR

It is a violation of our drug-free workplace policy for employees to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants whenever working, representing, or conducting business for or on behalf of the City in any capacity. Employees are also

prohibited from working, representing, or conducting business for the City while their ability to do so has been impaired (in any manner) by the use of alcohol, prescription drugs, non-prescription drugs, recreational drugs, or any other controlled substance.

E. NOTIFICATION OF CONVICTIONS

Any employee who is convicted of any offense related to drugs or other controlled substances, where such offense occurred *within the workplace, or while on official Long Beach business, or while representing the City in any capacity whatsoever*, must notify the City Manager (located on the fifth floor of City Hall) in writing within five (5) calendar days of the conviction. The City will take appropriate action within thirty (30) days of notification.

F. SEARCHES

Acceptance of employment with the City constitutes an employee's consent to searches and inspections of all City-owned property, equipment and other materials. If an individual is suspected of violating the drug-free workplace policy, any City owned property is subject to search. For example, desks, work stations, lockers, City vehicles, and any other property, equipment, or other materials owned by the City is subject to search and inspection at any time.

The City Manager has sole and non-delegable discretion to authorize searches under this Policy. Thus, any searches conducted pursuant to this Policy must be specifically authorized by the City Manager. Should the City Manager designate another employee to conduct the actual search, the City Manager shall set forth the date and time that the search will occur, and the precise property or properties to be searched.

G. CONSEQUENCES

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment may be withdrawn.

If an employee violates the policy, he or she will be subject to disciplinary action (up to and including discharge) and may be required to enter rehabilitation. An employee required to enter rehabilitation that fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

H. RETURN TO WORK AGREEMENTS

Following a violation of the drug-free workplace policy, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

I. ASSISTANCE

The City of Long Beach recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee health plan and/or under the provisions of the collective bargaining agreement. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

J. CONFIDENTIALITY

All information received by the City through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

K. SHARED RESPONSIBILITY

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

Employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Observe employee performance.

- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Clearly state consequences of policy violations.

L. COMMUNICATION

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure that employees are aware of their role in supporting our drug-free workplace program, all employees shall receive a written copy of this policy.



**THE CITY OF LONG BEACH
WORKPLACE VIOLENCE PREVENTION ACT ("WVPA")
POLICY & PROGRAM**

Effective Date: February 7, 2012

A. PURPOSE

Nothing is more important than the safety and security of our employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City property will not be tolerated. In this light, the City recognizes that workplace violence poses a serious threat to employee safety, and hinders the City's organizational objectives. Accordingly, the City has promulgated this Policy to reduce the real and potential threat of workplace violence and clearly convey the consequences for violating this Policy, and to otherwise comply with the Workplace Violence Prevention Act (N.Y. Labor Law § 27-b, et seq.).

The following has been developed and implemented by the City, in conjunction with authorized representatives from the Civil Service Employees' Association, Patrolmen's Benevolent Association, and the Professional Fire Fighters Association.

B. DEFINITION OF WORKPLACE VIOLENCE

Workplace violence is generally defined as *any physical assault, threatening behavior or verbal abuse occurring in the work setting*. While workplace violence can take many forms, some types include:

- Specific threats of violence by an employee
- Vague or non-specific threats of violence by an employee
- Threats of violence directed against an employee by a non-employee
- Violent confrontation by a spouse or significant other with an employee over a personal/domestic dispute
- Threats or threatening conduct by disgruntled current or former employees
- Violent altercations between two (2) coworkers and/or between supervisors and subordinates
- Assaults by intruders or guests

C. PROHIBITED CONDUCT

The City of Long Beach has a policy of zero-tolerance toward, and is fully committed to eradicating, workplace violence. As such, any person who makes threats, exhibits threatening behavior, or engages in violent acts on City property will be removed from

the premises as quickly as safety permits and shall remain off City premises pending the outcome of an investigation. The City's response to incidents of violence may include a formal reprimand, transfer to another facility, reassignment of job duties, suspension, or any other form of discipline, up to and including termination.

D. RISK EVALUATION

The City, in conjunction with representatives of the Civil Service Employees' Association, Patrolmen's Benevolent Association, and the Professional Fire Fighters Association has conducted a thorough investigation and evaluation of its facilities in an effort to identify the presence of "risk factors," or circumstances considered likely to lead to, or result in, workplace violence.

1. Risk Factor Methodology & Risk Factors

To help assess the City's exposure to risk, the City primarily utilized four (4) analytical tools. Specifically, the City: (1) reviewed occupational injury records to determine whether injuries were caused by or otherwise related to workplace violence; (2) cooperated with unions to inspect and/or analyze City facilities; (3) conducted surveys of employees to learn of past incidents; and (4) reviewed internal records to uncover past incidents and possible patterns.

This analysis revealed the existence of the following specific risk factors:

- City Department heads in need of supplemental workplace violence training
- Undocumented access to City facilities by members of the public
- Employees who work in inherently dangerous occupations, such as Police and Fire Department personnel
- Employees who work late night and early morning hours, such as Police and Fire Department Personnel
- Allegations of substance abuse made during or in connection with discrimination, harassment, and other types of complaints

2. Corrective Measures

The City shall take the following preliminary steps, which are designed to address some of the risk factors identified above, and to curb potential workplace violence:

- a. Sign-in sheet Trial Period. The City has determined that it may have a security interest in documenting the identities of visitors at certain City facilities. As such, the City shall introduce, as an experimental measure, sign-in sheets at one or more facilities. After this trial phase is complete, the City will consider adoption of a formal policy at one or more of its facilities.

- b. Supplemental Training for Managers. Pursuant to Union recommendations, supervisors and/or department heads will receive supplemental workplace violence training
- c. Implementation of Drug-Free Workplace Policy. In its review of past discrimination, harassment and other complaints, the City has observed a pattern of allegations relating to substance abuse among employees. The City finds that substance abuse significantly increases the propensity for workplace violence. Accordingly, the City has promulgated a separate "Drug-Free Workplace Policy" to address this issue. This policy is designed to reinforce the City's commitment to providing a drug-free and alcohol-free workplace for its employees. The Policy shall be distributed to all employees, who will be required to acknowledge receipt of same.
- d. Distribution of Revised EEO Policy. In its review of past discrimination, harassment and other complaints, the City observed increased incidents of workplace violence attendant to discrimination and harassment complaints made between and among employees. Accordingly, the City has opted to revise and update its discrimination and harassment policies (contained in the City's "Equal Employment Opportunity Policy") to offer better definitions of discrimination and harassment (including examples), and to set forth clear procedures for reporting such misconduct. The Policy shall be distributed to all employees, who will be required to acknowledge receipt of same.

In addition, the City has allowed for full employee participation of through the above-referenced unions and/or collective bargaining units in the development and implementation of all aspects of this WVPA Policy and Program, including the written policy statement. All unions were given an opportunity to address any concerns regarding the Policy, Program and/or Program Statement with the City following a meeting that occurred among the City, New York State Department of Labor representatives, and union representatives.

E. DESIGNATION OF WORKPLACE SECURITY COORDINATOR

The Workplace Security Coordinator is responsible for the administration of this Policy. Currently, the City's Workplace Security Coordinator is Robin Lynch, who can be reached at (516) 431-1000, ext. 7214. The Workplace Security Coordinator is available to assist you in filing a complaint. They are also available to answer your questions concerning the details of this policy. *****All complaints regarding alleged violations of the Policy should be directed to the Workplace Security Coordinator's attention.**

F. REPORTING WORKPLACE VIOLENCE

Any employee of the City of Long Beach who believes he or she has been subjected to workplace violence in violation of this policy or who witnesses another being subjected to improper conduct in violation of this policy is urged to report the alleged acts as soon as possible. The City of Long Beach will promptly and thoroughly investigate the facts surrounding any allegation of workplace violence. Consistent with its zero-tolerance policy, ***anyone, regardless of position or title, whom the City of Long Beach determines has engaged in workplace violence will be subject to discipline up to and including discharge.***

Any employee who believes that a serious violation of this Policy exists or that an imminent danger exists shall bring such matter to the attention of the Workplace Security Coordinator. This notice must be in writing, and the complaining employee must provide the City with a reasonable amount of time to investigate and (if a violation or imminent danger is found to exist) address the violation or imminent danger. This referral requirement shall not apply when imminent danger or threat exists to the safety of a specific employee and the complaining employee reasonably believes in good faith that reporting to the Workplace Security Coordinator would not result in corrective action. In such cases, the complaining employee has the option of reporting the imminent danger directly to the New York State Department of Labor.

Note: Efforts will be made to maintain the confidentiality of the information provided in connection with a complaint. However, investigatory steps or corrective action might require disclosure to certain individuals, including witnesses and the respondent (the person whom the allegations are made against).

Shortly after you file a complaint, you will be contacted and interviewed at a location that will protect your privacy. Your complaint will be investigated, and you will be notified when the investigation has concluded. To the extent permissible, practical and/or reasonable, you will be notified of the results of the investigation.

At the conclusion of any investigation, the Workforce Security Coordinator shall submit an official report to the City Manager (or the City Manager's designee), which shall include factual findings and recommendations. The City Manager shall then adopt, or refuse to adopt, all or any portion of the Workforce Security Coordinator's report.

Rest assured that the City of Long Beach will not retaliate against anyone who makes a complaint, or participates in an investigation of a complaint. This extends to complaints made to, and investigations undertaken by, the New York State Department of Labor. Additionally, no employee shall be retaliated against for accompanying the New York State Department of Labor during an investigation. Retaliation is strictly prohibited by the City. *Anyone who retaliates in violation of this policy will be subject to discipline, up to and including discharge.*

G. ORDERS OF PROTECTION

An employee who applies for or obtains a protective or restraining order that lists City of Long Beach work sites as protected areas must provide a copy of the petition and declarations used to seek the order and a copy of any temporary or permanent protective or restraining order that was granted. The City has confidentiality procedures that recognize and respect the privacy of the reporting employee(s).

H. LOCATION OF POLICY

Copies of this Policy are available in Room 504 in City Hall.

I. HIERARCHY OF CONTROLS

In the wake of a sustained workplace violent complaint, the City shall ensure for proper provision of engineering controls, work practice controls, and personal protective equipment.

J. OUTLINE AND LESSON PLAN

The City will prepare presentation materials that will be distributed to all employees during training session conducted pursuant to this Policy. These materials, which are expressly incorporated by reference herein, contain the City's full outline and/or lesson plan.

K. PROGRAM REVIEW AND UPDATE

This program shall be reviewed at least once annually by the City, and the City shall periodically conduct training sessions on this Program in compliance with N.Y. Labor Law § 27-b and the Department of Labor's implementing regulations.

Signature: _____

Date: _____